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[PROVINCIAL NOTICE NO.122 OF 2016]**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****RE-ESTABLISHMENT OF MUNICIPALITIES AFFECTED BY BOUNDARY CHANGES EFFECTED BY THE MUNICIPAL DEMARCATION BOARD**

I, **M.S. Mlamleli**, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province and under powers vested in me by section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), hereby publishes Notices on the re-establishment of municipalities affected by boundary changes effected by the Municipal Demarcation Board for public comments. The Notices are attached hereto.

Any person aggrieved by the re-establishment may submit objections in writing to:

Head of Department
Cooperative Governance & Traditional Affairs
Office No: 407, 4th Floor
LT Trust Building
Elizabeth Street
Bloemfontein
9300
Fax: - 086 568 1613
E-mail: lynettej@fscogta.gov.za

Objections must reach the office of the Head of Department within 7 days of publication of these Notices.

[PROVINCIAL NOTICE NO.123 OF 2016]**NOTICE IN TERMS OF SECTIONS 12 AND 16, READ WITH SECTIONS 14, 15 AND 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: IMPLEMENTATION OF THE MUNICIPAL DEMARCATION BOARD DETERMINATION NO. DEM 387, PUBLISHED AS NOTICE NO 231 IN THE FREE STATE PROVINCIAL GAZETTE OF 1 AUGUST 2008**

I, **MS. MLAMLELI**, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province, acting in terms of sections 16 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) hereby publishes the notice as set out in the Schedule for public notice.

.....
SCHEDULE

PART 1**PREAMBLE****GENERAL**

The Municipal Demarcation Board has, in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 by means of Provincial Notice No. 58 of 18 October 2013 published its decision to re-determine the municipal boundaries as set out in Circular 3/2013. The MDB has re-determined the municipal boundaries of Lejweleputswa District Municipality (DC 18) by including, in its municipal area of jurisdiction, the Aldam Aventura Holiday Resort with effect from the Local Government Elections (LGE) on 3 August 2016.

1. The determination and re-determinations of the Municipal Demarcation Board as mentioned above, has impacted the outer boundaries of Lejweleputswa District Municipality (DC 18). The following are hereby published:
 - 1.1 The municipal boundaries of Lejweleputswa District Municipality (DC 18) are re-determined to include, in its area of jurisdiction, the Aldam Aventura Holiday Resort and exclude Ikgomotseng / Soutpan community;
 - 1.2 The effect of the above re-determination is that the Aldam Aventura Holiday Resort is included into Ikgomotseng / Soutpan community and excluded from the municipal area of Lejweleputswa District Municipality (DC 18) from the effective date.
2. To implement these re-determinations:
 - 2.1 Provincial Notice No 182 of 28 September 2000 as amended, is hereby repealed and replaced by the provisions contained in Part 2;

DEFINITIONS

3. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act has the same meaning and:

“**affected district municipalities**” means the district municipalities of Xhariep (DC16);

“**demarcation notice**” means Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015;

“**incorporated municipality**” means the Naledi Local Municipality as encapsulated in Sec 14(5) Notice No 94 of 18 September 2015;

“**effective date**” means –

(1) the day on which the results of the next general municipal elections are declared in terms of the applicable electoral legislation; or

(2) if the results cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

“**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**ward councillor**” means a councillor elected to represent a ward.

PART 2

RE-ESTABLISHMENT OF LEJWELEPUTSWA DISTRICT MUNICIPALITY

4. (1) The re-establishment of boundaries of Lejweleputswa District Municipality (DC 18) by including the Aldam Aventura Holiday Resort and excluding Ikgomotseng / Soutpan community in its area of jurisdiction. The re-establishment is with effect from the effective date.

VACATION OF OFFICE

5. The councillors of the Lejweleputswa District Municipality (DC 18) vacate office on the effective date.

RE-ESTABLISHMENT OF MUNICIPALITY

6. (1) The municipal boundaries of Lejweleputswa District Municipality (DC 18) are re-determined to include the Aldam Aventura Holiday Resort and exclude Ikgomotseng / Soutpan community in its area of jurisdiction.

CATEGORY

7. The Lejweleputswa District Municipality (DC 18) is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

8. The Lejweleputswa District Municipality (DC 18) is a municipality with a mayoral executive system combined with a ward participatory system as contemplated in section 2(g) of the Types Act.

BOUNDARIES

9. The boundaries of the Lejweleputswa District Municipality (DC 18) are as indicated by DEM 475 of the demarcation notice.

NAME

10. The name of the Lejweleputswa District Municipality (DC 18) remains unchanged.

COUNCILLORS

11. The council of the District Municipality consists of 36 proportionally elected councillors.

[PROVINCIAL NOTICE NO.124 OF 2016]

NOTICE IN TERMS OF SECTIONS 12 AND 16, READ WITH SECTIONS 14,15 AND 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: IMPLEMENTATION OF THE MUNICIPAL DEMARCATION BOARD DETERMINATION DEM NUMBER 4542, PUBLISHED AS NOTICE 36 OF 7 JULY 2015 IN THE FREE STATE PROVINCIAL GAZETTE.

I, **M.S MLAMLELI**, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province, acting in terms of sections 16 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) hereby publishes the notice as set out in the Schedule for public notice.

SCHEDULE

PART 1

PREAMBLE

GENERAL

The Municipal Demarcation Board has, in terms of section 21 of the Local Government: Municipal Structures Act, 1998 by means of Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015 confirmed its earlier decision to re-determine the municipal boundaries as set out in Provincial Notice No. 27 published in the Free State Provincial Gazette No. 36 of 7 July 2015. The MDB has re-determined the municipal boundaries of Mangaung Metropolitan Municipality (MAN) by including the municipal area of the Naledi Local Municipality in its area of jurisdiction with effect from the Local Government Elections (LGE) on 3 August 2016.

1. The determination and re-determinations of the Municipal Demarcation Board as mentioned above, has impacted the outer boundaries of Mangaung Metropolitan Municipality. The following are hereby published:
 - 1.1 The municipal boundaries of Mangaung Metropolitan Municipality are re-determined to include, in its area of jurisdiction, the municipal area of Naledi Local Municipality (FS 164);
 - 1.2 The municipal boundaries of Mangaung Metropolitan Municipality are re-determined to include, in its area of jurisdiction, the municipal area of the Ikgomotseng / Soutpan community;
 - 1.3 The re-determination of the current boundaries of Mangaung Metropolitan Municipality as category A municipal area;
 - 1.4 The effect of the above re-determination is that the municipal area of Naledi Local Municipality (FS 164) and Ikgomotseng / Soutpan community will be included in the municipal area of Mangaung Metropolitan Municipality (MAN) and excluded from Xhariep District Municipality (DC16) and Masilonyana Local Municipality (DC 181) respectively on the effective date.
2. To implement these re-determinations:
 - 2.1 Provincial Notice No 182 of 28 September 2000 as amended, is hereby repealed and replaced by the provisions contained in Part 2;

DEFINITIONS

3. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act has the same meaning and:
 - “**affected district municipalities**” means the district municipalities of Xhariep (DC16);
 - “**demarcation notice**” means Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015;
 - “**incorporated municipality**” means the Naledi Local Municipality as encapsulated in Sec 14(5) Notice No 94 of 18 September 2015;
 - “**effective date**” means –
 - 1) the day on which the results of the next general municipal elections are declared in terms of the applicable electoral legislation; or
 - 2) if the results cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;
 - “**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;
 - “**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - “**ward councillor**” means a councillor elected to represent a ward.

PART 2

RE-ESTABLISHMENT OF MANGAUNG METROPOLITAN MUNICIPALITY

DISESTABLISHMENT OF EXISTING MUNICIPALITY AND INCLUSION OF IKGOMOTSENG / SOUTPAN COMMUNITY

- 4A. (1) The Naledi Local Municipality (FS164) is disestablished with effect from the effective date.
 - (2) Until it is disestablished on the effective date, the council of the disestablished municipality referred to in paragraph (1) remains competent to function for its area.
 - (3) A newly demarcated Metropolitan Municipality which includes the municipal area of the former Naledi Local Municipality (FS164) and Ikgomotseng / Soutpan community is hereby established.
- 4B. (1) The Ikgomotseng / Soutpan community is included into the municipal area of Mangaung Metropolitan Municipality (MAN).
 - (2) Until it is included into the municipal area of Mangaung Metropolitan Municipality (MAN), the Ikgomotseng / Soutpan unit remains the business unit of the Masilonyana Local Municipality (FS181).

VACATION OF OFFICE

5. The councillors of the disestablished municipality vacate office on the effective date

RE-ESTABLISHMENT OF MUNICIPALITY

6. (1) The municipal boundaries of Mangaung Metropolitan Municipality are re-determined to include the municipal area of the disestablished Naledi Local Municipality (FS164) as set out in the Demarcation Notice.
 - (2) The municipal boundaries of Mangaung Metropolitan Municipality are re-determined to include the Ikgomotseng / Soutpan community.

LEGAL SUCCESSION

7. (1) (a) The metropolitan municipality supersedes the disestablished municipality to the extent that the disestablished municipality falls within that area. The metropolitan municipality becomes the successors in law of the disestablished municipality and inherits specific assets, liabilities, rights and obligations as allocated to the metropolitan municipality in terms of this Part.
 - (b) The Metropolitan Municipality becomes the successor-in-law of the Naledi Local Municipality (FS164).
- (2) The municipal manager of the disestablished municipality must, not later than two days after the publication of this notice, compile and submit to the Head: Cooperative Governance and Traditional Affairs:-
 - (a) a list containing the names and particulars of all persons who, on the date of the list being submitted, are in the employ of the disestablished municipality; and
 - (b) an inventory of all the assets and liabilities of the disestablished municipality as at that date: Provided that-
 - (i) the name and other particulars of any person whose employment terminates before or on the effective date in terms of a contractual operation, must be omitted from such list; and
 - (ii) such list and inventory must, in respect of each entry there-on, indicate the specific function or power in respect of which an employee, asset and liability, as the case may be, is deployed and utilised.

TRANSFER OF ASSETS, RIGHTS, LIABILITIES AND OBLIGATIONS

8. (1) The assets, rights, liabilities and obligations (excluding investments, cash and cash balances) in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by the disestablished municipality of a function or functions in a specific area, are hereby transferred to the metropolitan municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-paragraph (1), "function" includes a power.
- (3) Administrative and other records (including minutes) relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the metropolitan municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
- (4) Assets, rights, liabilities obligations and administrative records other than those referred to in sub-paragraph (1) are hereby transferred to the metropolitan municipality.

TRANSFER OF STAFF

- 9A. A person who on the effective date is an employee of the disestablished municipality becomes an employee of the Mangaung Metropolitan Municipality. The transfer of staff of the disestablished municipality will be implemented in terms of the Human Resource policies of the superseding municipality as well as applicable legislative frameworks.
- 9B. A person who on the effective date is an employee of the Masilonyana Local Municipality (FS 181) becomes an employee of the Mangaung Metropolitan Municipality. The transfer of staff of the Masilonyana Local Municipality (FS 181) will be implemented in terms of the Human Resource policies of the superseding municipality as well as applicable legislative frameworks.

TRANSITIONAL PROVISIONS RELATING TO EXISTING BY-LAWS AND RESOLUTIONS

10. (1) By-laws and resolutions (including standing delegations) of the disestablished municipality that are in force on the effective date, continue in force in the area in which they were applicable subject to rationalisation processes have been finalised.

ESTABLISHMENT OF METROPOLITAN MUNICIPALITY

11. For the Metropolitan Municipal area as a whole as set out in the demarcation notice, a new Metropolitan Municipality which includes the municipal area of the former Naledi Local Municipality (FS164) is hereby established.

CATEGORY

12. The Metropolitan Municipality is a Category A municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

13. The Metropolitan Municipality is a municipality with a mayoral executive system combined with a ward participatory system as contemplated in section 2(g) of the Types Act.

BOUNDARIES

14. The boundaries of the Metropolitan Municipality are as indicated by DEM 4542 of the demarcation notice.

NAME

15. The name of the Mangaung Metropolitan Municipality remains unchanged.

COUNCILLORS

16. The council of the Metropolitan Municipality consists of 50 proportionally elected councillors and 50 ward councillors.

WARDS

17. The newly demarcated Metropolitan Municipality has 50 wards.

[PROVINCIAL NOTICE NO.125 OF 2016]

NOTICE IN TERMS OF SECTIONS 12 AND 16, READ WITH SECTIONS 14,15 AND 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: IMPLEMENTATION OF THE MUNICIPAL DEMARCATION BOARD DETERMINATION DEM NUMBER 308, PUBLISHED AS NOTICE NUMBER 58 OF 18 OCTOBER 2013

I **M.S MLAMLELI** Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province, acting in terms of sections 16 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) hereby publishes the notice as set out in the Schedule for public notice.

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SCHEDULE

PART 1

PREAMBLE

GENERAL

The Municipal Demarcation Board has, in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 by means of Provincial Notice No. 58 of 18 October 2013 published its decision to re-determine the municipal boundaries as set out in Circular 3/2013.

The MDB has re-determined the municipal boundaries of Matjhabeng Local Municipality (FS 184) by including, in its municipal area of jurisdiction, the Aldam Aventura Holiday Resort in its area of jurisdiction with effect from the Local Government Elections (LGE) on 3 August 2016.

1. The determination and re-determinations of the Municipal Demarcation Board, as mentioned above, has impacted the outer boundaries of Matjhabeng Local Municipality (FS 184). The following are hereby published:
 - 1.1 the re-determination of boundaries by including Aldam Aventura Holiday Resort into the municipal area of Matjhabeng Local Municipality (FS 184);
 - 1.2 the re-determination of the current boundaries of Matjhabeng Local Municipality as category B municipal area;
2. To implement these re-determinations:
 - 2.1 Provincial Notice No 182 of 28 September 2000 as amended, is hereby repealed and replaced by the provisions contained in Part

DEFINITIONS

3. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act has the same meaning and:
 - “**affected local municipalities**” means the district municipalities of Masilonyana (FS 181);
 - “**demarcation notice**” means Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015;
 - “**effective date**” means –
 - (1) the day on which the results of the next general municipal elections are declared in terms of the applicable electoral legislation; or
 - (2) if the results cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;
 - “**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;
 - “**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - “**ward councillor**” means a councillor elected to represent a ward.

PART 2

RE-ESTABLISHMENT OF MATJHABENG LOCAL MUNICIPALITY (FS 184)

4. (1) The re-establishment of boundaries of Matjhabeng Local Municipality (FS 184) by including Aldam Aventura Holiday Resort into the municipal area of Matjhabeng Local Municipality (FS 184). The re-establishment is with effect from the effective date.
- (2) Until it is included into the municipal area of Matjhabeng Local Municipality (FS 184), the Aldam Aventura Holiday Resort remains incompetent to function in the municipal area of Setsoto Local Municipality (FS 191).

VACATION OF OFFICE

5. The councillors of the disestablished municipality vacate office on the effective date

RE-ESTABLISHMENT OF MUNICIPALITY

6. (1) The municipal boundaries of Matjhabeng Local Municipality (FS 184) are re-determined to include the Aldam Aventura Holiday Resort as set out in the Demarcation Notice.

CATEGORY

7. The Matjhabeng Local Municipality (FS 184) is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

8. The Matjhabeng Local Municipality (FS 184) is a municipality with a mayoral executive system combined with a ward participatory system as contemplated in section 2(g) of the Types Act.

BOUNDARIES

9. The boundaries of the Matjhabeng Local Municipality (FS 184) are as indicated by DEM 475 of the demarcation notice.

NAME

10. The name of the Matjhabeng Local Municipality (FS 184) remains unchanged.

COUNCILLORS

11. The council of the Matjhabeng Local Municipality (FS 184) consists of 72 elected councillors with effect from the effective date

[PROVINCIAL NOTICE NO.126 OF 2016]

NOTICE IN TERMS OF SECTIONS 12 AND 16, READ WITH SECTIONS 14,15 AND 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: IMPLEMENTATION OF THE MUNICIPAL DEMARCATION BOARD DETERMINATION DEM NUMBER 308, PUBLISHED AS NOTICE NUMBER 58 OF 18 OCTOBER 2013

I **M.S MLAMLELI** Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province, acting in terms of sections 16 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) hereby publishes the notice as set out in the Schedule for public notice.

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SCHEDULE

PART 1**PREAMBLE****GENERAL**

The Municipal Demarcation Board has, in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 by means of Provincial Notice No. 58 of 18 October 2013 published its decision to re-determine the municipal boundaries as set out in Circular 3/2013.

The MDB has re-determined the municipal boundaries of Setsoto Local Municipality (FS 191) by excluding, in its municipal area of jurisdiction, the Aldam Aventura Holiday Resort in its area of jurisdiction with effect from the Local Government Elections (LGE) on 3 August 2016.

1. The determination and re-determinations of the Municipal Demarcation Board, as mentioned above, has impacted the outer boundaries of Setsoto Local Municipality (FS 181). The following are hereby published:
 - 1.1 the re-determination of boundaries by excluding Aldam Aventura Holiday Resort from the municipal area of Setsoto Local Municipality (FS 191);
 - 1.2 the re-determination of the current boundaries of Setsoto Local Municipality as category B municipal area;
2. To implement these re-determinations:
 - 2.1 Provincial Notice No 182 of 28 September 2000 as amended, is hereby repealed and replaced by the provisions contained in Part 2;

DEFINITIONS

3. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act has the same meaning and:
 - “**affected district municipalities**” means the district municipalities of Lejweleputswa District Municipality and Thabo Mofutsanyane (DC 18);
 - “**demarcation notice**” means Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015;
 - “**effective date**” means –
 - (1) the day on which the results of the next general municipal elections are declared in terms of the applicable electoral legislation; or
 - (2) if the results cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;
 - “**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;
 - “**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - “**ward councillor**” means a councillor elected to represent a ward.

PART 2**RE-ESTABLISHMENT OF SETSOTO LOCAL MUNICIPALITY (FS 191)**

4. (1) The re-establishment of boundaries of Setsoto Local Municipality (FS 191) by excluding Aldam Aventura Holiday Resort from the municipal area of Setsoto Local Municipality (FS 191). The re-establishment is with effect from the effective date.
- (2) Until it is included into the municipal area of Matjhabeng Local Municipality (FS 184), the Aldam Aventura Holiday Resort remains competent to function in the municipal area of Setsoto Local Municipality (FS 191).

VACATION OF OFFICE

5. The councillors of the disestablished municipality vacate office on the effective date

RE-ESTABLISHMENT OF MUNICIPALITY

6. (1) The municipal boundaries of Setsoto Local Municipality (FS 191) are re-determined to exclude the Aldam Aventura Holiday Resort as set out in the Demarcation Notice.

CATEGORY

7. The Setsoto Local Municipality (FS 191) is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

8. The Setsoto Local Municipality (FS 191) is a municipality with a mayoral executive system combined with a ward participatory system as contemplated in section 2(g) of the Types Act.

BOUNDARIES

9. The boundaries of the Setsoto Local Municipality (FS 191) are as indicated by DEM 475 of the demarcation notice.

NAME

10. The name of the Setsoto Local Municipality (FS 191) remains unchanged.

COUNCILLORS

11. The council of the Setsoto Local Municipality (FS 191) consists of 33 elected councillors with effect from the effective date.

[PROVINCIAL NOTICE NO.127 OF 2016]**NOTICE IN TERMS SECTION 14(5) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: IMPLEMENTATION OF THE MUNICIPAL DEMARCATION BOARD DETERMINATION NO DEM 4542, PUBLISHED AS NOTICE NO 27 IN THE FREE STATE PROVINCIAL GAZETTE OF 7 JULY 2015**

I, **S.M. Mlamleli**, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province, and under powers vested in me by section 14(5) of the Local Government: Municipal Structures Act 1998 (Act no 17 of 1998) and after having consulted the affected municipalities in the Province, hereby make the transitional measures contained in the Schedule hereto.

MRS SARAH MATAWANA MLAMLELI
MEMBER OF THE EXECUTIVE COUNCIL
OF THE FREE STATE PROVINCE RESPONSIBLE FOR LOCAL GOVERNMENT

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SCHEDULE

PART 1**PREAMBLE****GENERAL**

The Municipal Demarcation Board has in terms of the provisions of section 21(5) of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998), read with sections 2 and 4 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) by means of Notice 29 Of 2015 as published in the Free State Provincial Gazette of 07 July 2015 confirmed its earlier decision to determine and redetermine certain municipal boundaries as set out in Determination No DEM 4542 published in Notice No 29 of 2015 in Free State Provincial Gazette of 7 July 2015.

1. The determination and re-determinations of the Municipal Demarcation Board as mentioned above, include the following:
 - 1.1 the disestablishment of the Naledi Local Municipality (FS 164);
 - 1.1.1 the re-determination of the boundaries of the Mangaung Metropolitan Municipality (MAN) by including the area of the disestablished Naledi Local Municipality;
 - 1.2 the re-determination of the boundaries of Xhariep District Municipality (DC16) by excluding the area of Naledi (FS164) from Xhariep (DC16);
2. The effect of the above determination is that the municipal area of Naledi Local Municipality (FS1641) be included in the municipal area of Mangaung Metro (MAN) and excluded from the Xhariep District Municipality (DC16) municipal area. The effect of the above determination is that the Ikgomoseng / Soutpan community from the municipal areas of Masilonyana Local Municipality (FS 181) and Lejweleputswa District Municipality (DC 18) and by including it into the municipal area of Mangaung Metropolitan Municipality (MAN).

3. To implement these determinations:
 - 3.1 Provincial Notice No 181 of 28 September 2000 as amended, is hereby amended as provided for in Part 2;
 - 3.2 Provincial Notice No 184 of 28 September 2000 as amended is hereby amended as provided for in Part 3

DEFINITIONS

4. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act has the same meaning and:
 - “**demarcation notice**” means Provincial Notice No.29 of 2015 as published in the Provincial Gazette, Free State Province of 07 July 2015.
 - “**disestablished municipality**” means the Naledi Local Municipality disestablished in terms of paragraph 7;
 - “**effective date**” means -
 - (1) the day on which the results of the next general municipal elections are declared in terms of the applicable electoral legislation; or
 - (2) if the results cannot be declared, and a re-election must be held, the day in which the results of the re-election are declared;
 - “**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;
 - “**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - “**the Types Act**” means the Determination of Types of Municipalities Act, 2009 (Act No.2 of 2009)
 - “**ward councillor**” means a councillor elected to represent a ward.

PART 2

DISESTABLISHMENT OF NALEDI LOCAL MUNICIPALITY

DISESTABLISHMENT OF EXISTING MUNICIPALITY

5. (1) The Naledi Local Municipality is disestablished with effect from the effective date.
 - (2) Until it is disestablished on the effective date, the councils of the disestablished municipality referred to in sub-paragraph (1) remain competent to function for its area.

VACATION OF OFFICE

6. The councillors of the disestablished municipality vacate office on the effective date.

LEGAL SUCCESSION

7. (1) The metropolitan municipality supersede the disestablished municipality to the extent that the disestablished municipality fall within that area. The metropolitan municipality becomes the successors in law of the disestablished municipality and depend on the specific assets, liabilities, rights and obligations allocated to the metropolitan municipality in terms of this Part.

TRANSFER OF ASSETS, RIGHTS, LIABILITIES AND OBLIGATIONS

8. (1) The assets, rights, liabilities and obligations (excluding investments, cash and cash balances) in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by the disestablished municipality of a function or functions in a specific area, are hereby transferred to the metropolitan municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
 - (2) For the purpose of sub-paragraph (1), “function” includes a power.
 - (3) Administrative and other records (including minutes) relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the metropolitan municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
 - (4) Assets, rights, liabilities obligations and administrative records other than those referred to in sub-paragraph (1) are hereby transferred to the metropolitan municipality.

INVESTMENTS, CASH AND CASH BALANCES

9. As from the effective date all investments and all cash and cash balances in a bank account of the disestablished municipality accrue to the metropolitan municipality as follows:

The investments, cash and cash balances of the disestablished municipality accrue to the metropolitan municipality: The metropolitan municipality continues remunerating any employee of the disestablished municipality referred to in sub-paragraph 13(a) until the end of the financial year during which the new metropolitan municipality was established

TRANSFER OF STAFF

- 10A. A person who on the effective date is an employee of the disestablished municipality becomes an employee of the metropolitan municipality in accordance with the following rules:
 - (1) Employees of the disestablished municipality become employees of the metropolitan municipality which as from the effective date is responsible for the performance of that specific function;
 - (2) For the purposes of sub-paragraph (1) “function” includes a power;
 - (3) The employment of employees by the metropolitan municipality must be regulated in accordance with any collective agreement;

- (4) Until an agreement referred to in sub-paragraph (3) has been reached employees are employed by the metropolitan municipality on the same terms and conditions (including remuneration) applicable to them as employees of the disestablished municipality which previously employed them;
 - (5) Service by a person so transferred is deemed to be service as an employee of the metropolitan municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with the disestablished municipalities shall be deemed to have accrued in favour of such a person by virtue of service with the metropolitan municipality to which she or he is transferred;
 - (6) where an employee transferred in terms of sub-paragraph (1) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (a) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new metropolitan municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (b) The metropolitan municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- 10B. A person who on the effective date is an employee of the Masilonyana Local Municipality (FS 181) and his / her place of work is the Ikgomtseng / Soutpan unit of the Masilonyana Local Municipality becomes an employee of the Metropolitan Municipality in accordance with the following rules:
- (1) Employees of the Masilonyana Local Municipality (FS 181) become employees of the metropolitan municipality which as from the effective date is responsible for the performance of that specific function;
 - (2) For the purposes of sub-paragraph (1) "function" includes a power;
 - (3) The employment of employees by the metropolitan municipality must be regulated in accordance with any collective agreement;
 - (4) Until an agreement referred to in sub-paragraph (3) has been reached employees are employed by the metropolitan municipality on the same terms and conditions (including remuneration) applicable to them as employees of the Masilonyana Local Municipality (FS 181) which previously employed them;
 - (5) Service by a person so transferred is deemed to be service as an employee of the metropolitan municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with the Masilonyana Local Municipality (FS 181) shall be deemed to have accrued in favour of such a person by virtue of service with the metropolitan municipality to which she or he is transferred;
 - (6) where an employee transferred in terms of sub-paragraph (1) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (a) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new metropolitan municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (b) The metropolitan municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.

TRANSITIONAL PROVISIONS RELATING TO EXISTING BY-LAWS AND RESOLUTIONS

11. (1) By-laws and resolutions (including standing delegations) of the disestablished municipality that are in force on the effective date continue in force in the area in which they were applicable subject to any amendment or repeal by the metropolitan municipality.
- (2) A by-law or resolution (including standing delegations) other than those referred to in subparagraph (1) to the extent that they apply to the metropolitan municipality of the disestablished municipality must be applied by the metropolitan municipality to the extent to which that by-law or resolution (including standing delegations) continues in force in terms of sub-paragraph (1) in the area of the metropolitan municipality
- (3) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law or resolution (including standing delegations) to the disestablished municipalities must be construed as a reference to the metropolitan municipality which has to apply the by-law or resolution (including standing delegations).

DUTIES OF MUNICIPAL MANAGER

12. The municipal manager of the disestablished municipality must not later than two days after the effective date compile and submit to the municipal manager of the metropolitan municipality –
 - (1) a list containing the names and particulars of all persons who on that date were in the employ of that municipality; and
 - (2) an inventory of all the assets and liabilities of that municipality as at that date.

ADMINISTRATIVE UNIT

13. All the employees of the disestablished Naledi local municipality will, on the effective date, be transferred to an administrative unit, which will function as such until the Mangaung metropolitan municipality has established a staff structure and has appointed staff to the positions on that staff structure. The administrative unit will function in terms of the budgets systems, rules and policies, which applies to the metropolitan municipality.
 - (1) The administrative unit will function under the control of the municipal manager of the metropolitan municipality
 - (2) The municipal manager of the metropolitan municipality shall designate a head for the administrative unit; and
 - (3) The head of the administrative unit shall, subject to the directions and instructions of the municipal manager-
 - (a) Be responsible and accountable for the management of the administrative unit and

- (b) For the purposes of section 16 of the Occupational Health and Safety Act 1993 (Act No 82 of 1993) be deemed to be the chief executive officer in respect of the activities of the administrative unit.
- (4) The metropolitan council may disestablish the administrative unit.

TRANSITIONAL FACILITATION COMMITTEE

14. (1) A Transitional Facilitation Committee (TFC) is hereby established.
- (2) The TFC automatically ceases to exist and dissolves on the day immediately preceding the local government elections.
- (3) The TFC must advise the MEC with regard to the exercise of her powers, performance of her functions and discharge of her duties in terms of this notice.
- (4) The TFC consists of-
- (a) The Chairperson of SALGA Free State, who must be the chairperson; and
- (b) The mayors of the disestablished municipality, the Mangaung Metro and the affected district municipality.
- (5) The TFC must be assisted by a Technical Task Team consisting of-
- (a) The Head: Cooperative Governance and Traditional Affairs who must be the chairperson;
- (b) The Provincial Director of SALGA Free State;
- (c) The municipal managers of the disestablished municipality, the affected district municipality and Mangaung Metro; and
- (d) Such officials of the Department of Cooperative Governance and Traditional Affairs as the head of that department may designate.
- (6) The Department of Cooperative Governance and Traditional Affairs must provide an administrative service to the TFC.

FUNCTIONS OF THE TFC

15. The functions of the TFC are, subject to and for the purposes of section 14 of the Act, be to recommend to the MEC for Cooperative Governance and Traditional Affairs:
- (1) Which of the assets, rights, liabilities and obligations that have been transferred from the disestablished municipality should be transferred to the metropolitan municipality;
- (2) Subject to sub-paragraph (1), the implication of a process of reorganizing the employees transferred to the metropolitan municipality;
- (3) The legal, practical and other consequences of the disestablishment of the local municipality and the establishment of the metropolitan municipality and also including vacation of office by councillors and implications thereof.

PROCEDURES OF THE TFC

16. The TFC may determine its own procedures, subject to the following:
- (1) A question before the TFC is decided with supporting vote of the majority of the members present at the meeting;
- (2) At least one half of the members must be present at a meeting before a vote may be taken on any matter.

DISPUTE RESOLUTION

17. (1) Whenever the TFC cannot resolve a question before it for any reason, the matter must be submitted to the MEC who may, in her discretion-
- (a) Resolve the matter; or
- (b) Submit it to arbitration by an arbitrator appointed by her,
- (2) A decision by an arbitrator must be deemed a decision of the TFC.

EXPENSES OF THE TFC

18. Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of paragraph 16 must be borne, in equal in proportion by the municipalities and the department who are members of the TFC.

AMENDMENT OF ESTABLISHMENT NOTICE NO 181 OF 2000 OF THE DC 16 DISTRICT MUNICIPALITY AND THE FS 161, FS 162 AND FS 163 LOCAL MUNICIPALITIES

19. Part 2 of Provincial Notice 181 of 2000 is hereby substituted for the following Part 2 and Part 6 of Provincial Notice 181 of 2000 is hereby repealed with effect from the effective date.

PART 3

GENERAL VALUATION ROLL

20. The current General Valuation Roll (GVR) for Mangaung Metropolitan Local Municipality and Naledi Local Municipality are valid until 30 June 2017 and 30 June 2019 respectively. The consolidation of the two (2) GVRs will take place with the implementation of the new GVR for Mangaung Metropolitan Municipality which will come into effect on 1 July 2017. Effective from 3 August 2016, the Mangaung Metropolitan Municipality will:
- Continue to use a General Valuation Roll (GVR) that was in force in the area of Naledi Local Municipality.
 - Proceed to levy rates against Property Values as shown on that GVR of the former Naledi Local Municipality until the implementation of the new GVR for the newly demarcated Municipality which will come in to effect on 1 July 2017.

PART 4**AMENDMENT OF ESTABLISHMENT NOTICE NO 7 OF 2011 OF THE MANGAUNG METROPOLITAN MUNICIPALITY****ESTABLISHMENT OF METROPOLITAN MUNICIPALITY**

21. For the metropolitan municipal area as a whole as set out in the demarcation notice, a metropolitan municipality is hereby established.

CATEGORY

22. The metropolitan municipality is a Category A municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

23. The metropolitan municipality is a municipality with a mayoral executive system combined with a ward participatory system as contemplated in section 2(g) of the Types Act.

BOUNDARIES

24. The boundaries of the metropolitan municipality are as indicated by Map DEM 4542 of the demarcation notice.

NAME

25. The name of the Metropolitan Municipality is Mangaung.

COUNCILLORS

26. The council of the metropolitan municipality consists of 100, both proportional and ward as determined in Provincial Gazette.

FULL-TIME COUNCILLORS

27. The council of the metropolitan municipality may designate the executive mayor, speaker, members of the mayoral committee and council whip as full-time.

ANNEXURE "C"**[PROVINCIAL NOTICE NO. 128 OF 2016]**

NOTICE IN TERMS OF SECTIONS 12 AND 16, READ WITH SECTIONS 14,15 AND 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: IMPLEMENTATION OF THE MUNICIPAL DEMARCATION BOARD DETERMINATION DEM NUMBER 4542, PUBLISHED AS NOTICE 36 OF 7 JULY 2015 IN THE FREE STATE PROVINCIAL GAZETTE .

I, **M.S MLAMLELI**, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province, acting in terms of sections 16 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) hereby publishes the notice as set out in the Schedule for public notice.

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SCHEDULE

PART 1**PREAMBLE****GENERAL**

The Municipal Demarcation Board has, in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 by means of Provincial Notice No. 58 of 18 October 2013 published its decision to re-determine the municipal boundaries as set out in Circular 3/2013.

The MDB has re-determined the municipal boundaries of Thabo Mofutsanyane District Municipality (DC 19) by excluding, in its municipal area of jurisdiction, the Aldam Aventura Holiday Resort with effect from the Local Government Elections (LGE) on 3 August 2016.

1. The determination and re-determinations of the Municipal Demarcation Board, as mentioned above, has impacted the outer boundaries of Thabo Mofutsanyane District Municipality (DC 19). The following are hereby published:
 - 1.1 the re-determination of boundaries by excluding Aldam Aventura Holiday Resort from the municipal area of Thabo Mofutsanyane District Municipality (DC19);
 - 1.2 the re-determination of the current boundaries of Thabo Mofutsanyane District Municipality (DC 19) as category C municipal area;
2. To implement these re-determinations:
 - 2.1 Provincial Notice No 182 of 28 September 2000 as amended, is hereby repealed and replaced by the provisions contained in Part 2;

DEFINITIONS

3. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act has the same meaning and:
- “**affected district municipalities**” means the district municipalities of Thabo Mofutsanyane (DC19);
 - “**demarcation notice**” means Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015;
 - “**effective date**” means –
 - (1) the day on which the results of the next general municipal elections are declared in terms of the applicable electoral legislation; or
 - (2) if the results cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;
 - “**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;
 - “**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - “**ward councillor**” means a councillor elected to represent a ward.

PART 2

RE-ESTABLISHMENT OF THABO MOFUTSANYANE DISTRICT MUNICIPALITY

4. (1) The re-establishment of boundaries of Thabo Mofutsanyane District Municipality (DC19) by excluding Aldam Aventura Holiday Resort from the municipal area of Thabo Mofutsanyane District Municipality (DC19). The re-establishment is with effect from the effective date.
- (2) Until it is included into the municipal area of Matjhabeng Local Municipality (FS 184), the Aldam Aventura Holiday Resort remains competent to function in the municipal area of Setsoto Local Municipality (FS 191).

VACATION OF OFFICE

5. The councillors of the disestablished municipality vacate office on the effective date

RE-ESTABLISHMENT OF MUNICIPALITY

6. (1) The municipal boundaries of Thabo Mofutsanyane District Municipality (DC 19) are re-determined to exclude the Aldam Aventura Holiday Resort as set out in the Demarcation Notice.

CATEGORY

7. The Thabo Mofutsanyane District Municipality (DC 19) is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

8. The Thabo Mofutsanyane District Municipality (DC 19) is a municipality with a mayoral executive system combined with a ward participatory system as contemplated in section 2(g) of the Types Act.

BOUNDARIES

9. The boundaries of the Thabo Mofutsanyane District Municipality (DC 19) are as indicated by DEM 4752 of the demarcation notice.

NAME

10. The name of the Thabo Mofutsanyane District Municipality (DC 19) remains unchanged.

COUNCILLORS

11. The council of the District Municipality consists of 41 proportionally elected councillors and

[PROVINCIAL NOTICE NO.129 OF 2016]

NOTICE IN TERMS OF SECTIONS 12 AND 16, READ WITH SECTIONS 14,15 AND 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: IMPLEMENTATION OF THE MUNICIPAL DEMARCATION BOARD DETERMINATION DEM NUMBER 4542, PUBLISHED AS NOTICE 36 OF 7 JULY 2015 IN THE FREE STATE PROVINCIAL GAZETTE .

I, **M.S MLAMLELI**, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlements in the Free State Province, acting in terms of sections 16 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) hereby publishes the notice as set out in the Schedule for public notice.

.....

SCHEDULE**PART 1****PREAMBLE****GENERAL**

The Municipal Demarcation Board has, in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 by means of Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015 confirmed its earlier decision to re-determine the municipal boundaries as set out in Provincial Notice No. 27 published in the Free State Provincial Gazette No. 36 of 7 July 2015. The MDB has re-determined the municipal boundaries of Mangaung Metropolitan Municipality (MAN) by including the municipal area of the Naledi Local Municipality in its area of jurisdiction with effect from the Local Government Elections (LGE) on 3 August 2016.

1. The determination and re-determinations of the Municipal Demarcation Board, as mentioned above, has impacted the outer boundaries of Xhariep District Municipality. The following are hereby published:
 - 1.1 the re-determination of boundaries by excluding Naledi local Municipality (FS164) from the municipal area of Xhariep District Municipality (DC16);
 - 1.2 the re-determination of the current boundaries of Xhariep District Municipality as category C municipal area;
2. To implement these re-determinations:
 - 2.1 Provincial Notice No 182 of 28 September 2000 as amended, is hereby repealed and replaced by the provisions contained in Part 2;

DEFINITIONS

3. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act has the same meaning and:
 - “**affected district municipalities**” means the district municipalities of Xhariep (DC16);
 - “**demarcation notice**” means Provincial Notice No. 56 of 2015 as published in the Free State Provincial Gazette No. 79 of 25 August 2015;
 - “**effective date**” means –
 - (1) the day on which the results of the next general municipal elections are declared in terms of the applicable electoral legislation; or
 - (2) if the results cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;
 - “**proportionally elected councillors**” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;
 - “**the Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - “**ward councillor**” means a councillor elected to represent a ward.

PART 2**RE-ESTABLISHMENT OF XHARIEP DISTRICT MUNICIPALITY**

4. (1) The re-establishment of boundaries of Xhariep District Municipality (DC16) by excluding Naledi local Municipality (FS164) from the municipal area of Xhariep District Municipality (DC16). The re-establishment is with effect from the effective date.

VACATION OF OFFICE

5. The councillors of the re-established municipality vacate office on the effective date

RE-ESTABLISHMENT OF MUNICIPALITY

6. (1) The municipal boundaries of Xhariep District Municipality are re-determined to exclude the municipal area of the Naledi Local Municipality (FS164) as set out in the Demarcation Notice.

CATEGORY

7. The Xhariep District Municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

8. The Xhariep District Municipality is a municipality with a mayoral executive system combined with a ward participatory system as contemplated in section 2(g) of the Types Act.

BOUNDARIES

9. The boundaries of the Xhariep District Municipality are as indicated by DEM 4542 of the demarcation notice.

NAME

10. The name of the Xhariep District Municipality remains unchanged.

COUNCILLORS

11. The council of the District Municipality consists of 15 proportionally elected councillors and
-